

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REMARKS

Applicant has carefully reviewed the above identified Application in view of Examiner's Office Action of December 16, 2004. Applicant has amended claim 14 to correct a typographical error. Applicant has amended claims 15 and 17 to make them independent and incorporate all of the limitations of the base claim and any intervening claims. Applicant has amended the specification in the paragraph bridging pages 8 and 9 and the paragraph bridging pages 12 and 13 to correct typographical errors therein. No claims have been cancelled. Applicant has added new claims 18 to 33, inclusive. The claims now in this application are claims 1 to 33, inclusive. In view of the following remarks, it is respectfully submitted that all of claims 1 to 33 are allowable and early allowance thereof is respectfully requested.

In the Office Action of December 16, 2004, Examiner has advised that claims 1 to 13 were allowed. Examiner has advised that claims 15 and 17 would be allowable if rewritten to include all the limitations of the base claim and any intervening claims. Applicant has so amended claims 15 and 17. Claim 15 as amended incorporates all of the limitations of original claim 14 and original claim 5. Claim 17 as amended incorporates all of the limitations of original claims 14, 16 and 17 in that it specifies that the plurality of mounting members comprises at least five hook mounting members (as set forth in original claim 16) and two slot mounting members as set forth in original claim 17. Amended claims 15 and 17 are, therefore, now allowable.

Examiner has rejected claim 14 under 35 USC § 102 as anticipated by Sieczkowski 6,530,681 ("681"). Applicant respectfully traverses this rejection. The '681 patent does not

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

show or suggest any of the structural features set forth in claim 14. As set forth in col. 4 of the '681 patent, the fixture housing 18 has a base 22 with edges 24 and 26 forming depending edges or a depending skirt. The housing 18 is closest to the ceiling 12 when installed. Thus, the edges 24 and 26 extend outwardly away from the ceiling. The wireway cover 20 fits **inside** the housing 18 to form a **box like structure** and there is no structure shown or suggested in '681 that extends from the housing 18 or the plate 20 thereof. The wireway cover 20 is hingedly connected to the housing 18. The members 68 are lampholders for mounting the lamping 72 and are not for any type of interconnection to a recessed lighting fixture.

Examiner contends that the base 20 of housing 18 is, somehow, the equivalent of Applicant's base plate 14, and that the wireway cover 20 is, somehow, the equivalent to Applicant's inner mounting plate 30. Claim 14 clearly defines the inner mounting plate extending inwardly from the inner surface of the base plate. There is no structure in the '681 patent on the base 22 of housing 18 extending inwardly. There are no mounting members connected to any portion of the '681 device for interconnection to a recessed lighting fixture as called for in Claim 14. Since there are no mounting members for interconnection to a recessed lighting fixture, there is no hook mounting member as called for in Claim 14. It is clear that the '681 device is for a completely different purpose and has a completely different structure than Applicant's invention as defined in Claim 14. In order to support a rejection under 35 USC § 102 the prior art reference must have every element of the rejected claim. It is clear that the '681 patent fails to support such a rejection. Further, It would only be a total

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

reconstruction of the '681 device in view of Applicant's teachings that could possibly result in similar structure. Applicant's invention, as defined in claim 14, is not obvious in view of the '681 patent considered either alone or in combination with any other cited prior art reference. It is respectfully submitted that Claim 14 is clearly allowable and early allowance thereof is respectfully requested.

Claim 16, being dependent on claim 14 is, therefore, also clearly allowable and early allowance thereof is respectfully requested.

New claims 18 through 33 all define patentable subject matter in accordance with Examiner's statement of the reasons for allowability of Claims 1 to 13 and amended claims 15 and 17 and early allowance thereof is respectfully requested.

New independent claim 18 further defines Applicant's invention by specifying, *inter alia*, that the arrangement is for attachment to a ceiling mounted recessed lighting fixture and that the inner mounting plate is fixedly coupled to the base plate and spaced from the peripheral edge of the base plate toward the central axis and that the inner mounting plate has a bottom portion adjacent the inner surface of the base plate and an upright portion extending inwardly from the inner surface of the base plate towards the ceiling mounted recessed lighting fixture. No such structure is shown or suggested by the '681 patent or any of the other patents cited by Examiner considered either singly or in any combination. It would only be a total reconstruction of any of the cited prior art devices in view of Applicant's teaching that could provide the invention as claimed in new claim 18. It is respectfully submitted that new claim 18 is clearly allowable.

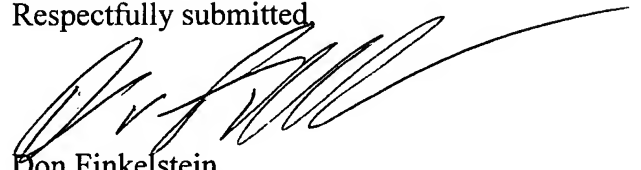
Each of new claims 19 through 32, inclusive, are dependent in one way or another on

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

independent claim 18. Therefore, it is respectfully submitted that new claims 19 through 33 are also clearly allowable.

For the above reasons it is respectfully submitted that all of the claims now in this application, namely claims 18 through 33, are clearly allowable and early allowance thereof is respectfully requested.

Respectfully submitted,



Don Finkelstein

Attorney for Applicant

Date: 03/07/2005

Don B. Finkelstein, Esq.
LAW OFFICES OF DON FINKELSTEIN
3858 Carson Street, Suite 216
Torrance, CA 90503
Phone: (310) 543 0070
Fax: (310) 543 7570

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE DRAWING

Enclosed herewith are 6 sheets of formal drawing. It is respectfully requested that these six sheets of formal drawing be entered in the Application.